



**WILLIAMS, MORGAN & AMERSON, P.C.**

7676 HILLMONT, SUITE 250, HOUSTON, TX 77040  
(713) 934-7000 FAX (713) 934-7011

GP/1619

**RECEIVED**

**DEC 18 2000**

Danny L. Williams  
Terry D. Morgan  
J. Mike Amerson  
Kenneth D. Goodman  
Barbara S. Kitchell, Ph.D.  
Jeffrey A. Pyle  
Randall C. Furlong, Ph.D.

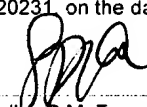
Scott E. Driver  
George J. Oehling\*  
Shelley P.M. Fussey, Ph.D.\*  
Mark D. Moore, Ph.D.\*  
Louis H. Iselin, Ph.D.\*  
Raymund F. Eich, Ph.D.\*

\*Patent Agent

Writer's Direct Dial:  
(713) 934-4079

December 6, 2000

FILE: 3999.002383

CERTIFICATE OF MAILING 37 C.F.R. § 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:	
December 6, 2000	
Date	Shelley P.M. Fussey

Assistant Commissioner for Patents  
Washington, DC 20231

RE: *U.S. Patent Application Serial No. 09/351,149; Entitled "Cancer Treatment Kits Comprising Therapeutic Conjugates that Bind to Aminophospholipids"; Inventors: Thorpe and Ran; Client Reference: UTSMC/DAL:556--2*

Sir:

Enclosed for filing in the above-referenced patent application is:

- (1) An Amendment; and Response to First Office Action dated November 07, 2000, with Exhibits A, B (pending claims) C and D; and
- (2) A return postcard listing these materials.

No fees should be required. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/3999.002383.

WILLIAMS, MORGAN & AMERSON, P.C.

Assistant Commissioner for Patents

December 6, 2000

Page 2

Please date stamp and return the enclosed postcard to acknowledge receipt of these materials.

Respectfully submitted,



Shelley P.M. Fussey, Ph.D.

Reg. No. 39,458

Patent Agent

Encls.

SPF  
3999.002300



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/351,157	07/12/99	THORPE	4001.002300

SHELLEY S M EMBLEY  
WILLIAMS MORGAN & AMERSON PC  
7676 WILLMONT AVE STE 250  
HOUSTON TX 77054  
DEC 12 2000  
PATENT & TRADEMARK OFFICE

HM22/1101

**DOCKETING DEPT.**

**NOV - 6 2000**

**WILLIAMS, MORGAN & AMERSON**

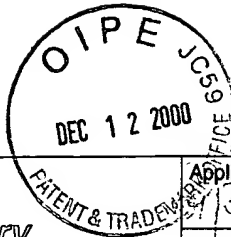
EXAMINER
BANSAL, G

ART UNIT	PAPER NUMBER
1542	14

**DATE MAILED:** 11/01/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**



# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 2/7/00, 7/12/00
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 2-43, 57-62, 66 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 2-43, 57-62, 66 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

3mo Response  
FORWARDED  
BY END  
CHANDY

Art Unit: 1642

### **DETAILED ACTION**

1. The Group Art Unit location and the **examiner of the application has been changed**. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Dr. **Geetha P. Bansal**, Group Art Unit **1642**.

2. Applicant's amendment filed July 13, 2000 (Paper No: 12/A) is acknowledged. Accordingly, claims 1, 44-56, 63-65 have been canceled without prejudice, and claim 66 has been added.

Claims 2-43, 57-62, 66 are being examined.

3. Applicant's election of Group I (claims 2-43 and 57-62, 66) is noted.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2-43, 57-62, 66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. It is not clear in the claims what is meant by the term "operatively attached". Is the first binding ligand physically attached to a targeting "agent"?

Art Unit: 1642

B. It is unclear as to what is meant by a first binding ligand comprising a cytotoxic agent?

What does the part comprising the cytotoxic agent bind to and is that different from the part the targeting agent binds to?

C. It is not clear what the term "agent" encompasses?

D. It is not clear what the difference is between "killing tumour vascular endothelial cells" and "destroying tumor vasculature" is.

2. No claim is allowed

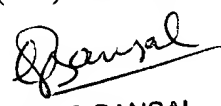
11. Papers related to this application may be submitted to Group 1640 by facsimile transmission. Papers should be faxed to Group 1640 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 308-4242 or (703) 305-3014.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Geetha P. Bansal whose telephone number is (703) 305-3955. The examiner can normally be reached on Mondays to Thursdays from 7:00am to 4:30pm and alternate Fridays from 7:00am to 3:30pm. A message may be left on the examiner's voice mail service.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Anthony Caputa, can be reached on (703) 308-3995.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

October 2, 2000.

  
GEETHA P. BANSAL  
PRIMA...NER